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ATTORNEY'S DOCKET NUMBER: 2003080-0144 (SK-1028-US)
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Veach *et al.* Examiner: Not yet assigned
Serial No.: 10/751,703 Art Unit: 1614
Filed: January 5, 2004
For: PYRIDOPYRIMIDINE KINASE INHIBITORS

Mail Stop: Amendments
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

STATEMENT UNDER 37 C.F.R. §§ 1.56, 1.97, & 1.98

Pursuant to the duty of disclosure under 37 C.F.R. §§ 1.56, 1.97 and 1.98, Applicant requests consideration of this Information Disclosure Statement.

Type of Statement

The present Information Disclosure Statement is:

- [X] An *original* Information Disclosure Statement; or
[] A *supplemental* Information Disclosure Statement.

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I certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Mail Stop: Amendments, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.	
<u>January 26 2005</u> Date	<u>[Signature]</u> Signature
<u>Lisa A. Walsh</u> Typed or Printed Name of person signing certificate	



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TRANSMITTAL LETTER

Enclosed are the following documents:

1. Form PTO-1449 (5 pages);
2. Information Disclosure Statement (6 pages);
3. Cited Art (85); and
4. Return Postcard

If any additional fees are required to be paid or if any overpayment has been made, please charge same to Deposit Account No. 03-1721.

Respectfully submitted,

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Dated: Jan. 26, 2005

Compliance with 37 CFR § 1.97

The present Information Disclosure Statement is being filed:

- ☒ Pursuant to 37 CFR § 1.97(b); no fee or certification is required:
 - ☐ Within three months of the filing date of a national application other than a continued prosecution application under § 1.53(d);
 - ☐ Within three months of the date of entry of the national stage as set forth in § 1.491 in an international application;
 - ☒ Before the mailing of a first Office action on the merits; or
 - ☐ Before the mailing of a first Office action after the filing of a request for continued examination under § 1.114.
- ☐ Pursuant to 37 CFR § 1.97(c) after the dates listed above but before the mailing date of any of a final action under § 1.113, a notice of allowance under § 1.311, or an action that otherwise closes prosecution in the application; Applicant hereby *either*:
 - ☐ Certifies that *either*:
 - ☐ each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement; or
 - ☐ That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the

knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in § 1.56(c) more than three months prior to the filing of the information disclosure statement.; or

☐ Includes herewith the fee set forth in § 1.17(p). Please charge Deposit Account No. 03-1721.

☐ Pursuant to 37 CFR § 1.97(d), after the mailing date of any final action under § 1.113, a notice of allowance under § 1.311, or an action that otherwise closes prosecution in the application; Applicant hereby *both*:

☐ Certifies that *either*:

☐ each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement; or

☐ That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in § 1.56(c) more than three months prior to the filing of the information disclosure statement.; and

☐ Includes herewith the fee set forth in § 1.17(p).

Content of the Information Disclosure Statement

Applicant hereby makes of record in the above-identified application the reference(s) listed on the attached form PTO-1449 (modified). The order of presentation of the references should not be construed as an indication of the importance of the references.

Applicant includes copies of references as indicated below:

- ☒ A copy of each cited reference not indicated with an asterisk is included;
- ☐ Copies of references indicated with an asterisk on the attached form PTO-1449 are not included pursuant to 37 CFR § 1.98(d) because they were previously provided to the United States Patent Office in an Information Disclosure Statement that complies with 37 CFR § 1.98(a)-(c) and was submitted in the following patent application that is relied upon in the present case for an earlier effective filing date under 35 USC § 120:

Serial Number	Filing Date	Status

- ☐ Copies of English translations of one or more non-English references are included.

Applicant hereby makes the following additional information of record in the above-identified application:

Applicant certifies that the Information Disclosure Statement *either*:

- ☒ Does not contain non-English language citations;
- ☐ Does contain non-English language citations, for which an English language abstract is submitted.

[] Does contain non-English language citations which were cited on an International Search Report (a copy of which is enclosed herewith).

[] Includes one or more translations of a non-English citation.

Remarks

The submission of this Information Disclosure Statement should not be construed as a representation that a search has been made.

The submission of this Information Disclosure Statement shall not be construed to be an admission that the information cited in the statement is, or is considered to be, material to patentability as defined in § 1.56(b) .

The submission of this Information Disclosure Statement shall not be construed as a representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;
2. The enclosed form PTO-1449 be signed by the Examiner to evidence that the cited patent(s) and publication(s) has (have) been fully considered by the Patent and Trademark Office during the examination of this application; and
3. The citations for the patent(s) and publication(s) be printed on any patent which issues from this application.

Notwithstanding any statements by Applicants, the Examiner is urged to form his or her own conclusions regarding the relevance of the cited reference(s).

Respectfully submitted,



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Reg. No. 46,533

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Date: *Jan. 26, 2005*

3790213

INFORMATION DISCLOSURE STATEMENT

(Use several sheets if necessary)

Applicant: Veach et al.,

Filing Date:
January 5, 2004

Group:
1614

U.S. PATENT DOCUMENTS

Examiner's Initials	U.S. Patent No.	Applicant	Issue Date	Class	Subclass
	6,242,452	Ogino et al.	June 5, 2001	514	258
	6,114,339	Gangjee	September 5, 2000	514	258
	5,977,163	Li et al.	November 2, 1999	514	449
	5,945,422	Doherty et al.	August 31, 1999	514	258
	5,733,914	Blankley et al.	March 31, 1998	514	258
	5,733,913	Blankley et al.	March 31, 1998	514	258
	5,620,981	Blankley et al.	April 15, 1997	514	258
	5,521,184	Zimmerman	May 28, 1996	514	252
	4,677,108	Kleinschroth et al.	June 30, 1987	514	258
	4,271,164	Blankley et al.	June 2, 1981	424	251
	4,252,946	Wood et al.	February 24, 1981	544	279
	4,113,859	Wood et al.	September 12, 1978	424	180
	3,639,401	Meyer et al.	February 1, 1972	260	256.4
	3,534,039	Davoll et al.	October 13, 1970	260	256.4

U.S. PATENT APPLICATIONS

Examiner's Initials:	Serial Number:	Applicant:	Filing Date:	Group:	Art Unit:
	2002/0137756	Chen et al.	September 26, 2002		
	2002/0055513	Arzeno et al.	May 9, 2002	514	258

FOREIGN PATENT DOCUMENTS

Examiner's Initials	Document No.	Country	Date	Translation	
				Yes	No
	EP 0 537 463	Europe	02 September 1992		
	WO 03/057165	International	17 July 2003		
	WO 02/18380	International	07 March 2002		
	WO 02/12238	International	14 February 2002		
	WO 01/44258	International	21 June 2001		
	WO 98/33798	International	06 August 1998		
	WO 96/34867	International	07 November 1996		

Form PTO-1449 (REV. 8-83)		U.S. Department of Commerce Patent and Trademark Office		Atty. Docket: 2003080-0144 (SK-1028-US)		In re Application No. 10/751,703	
INFORMATION DISCLOSURE STATEMENT (Use several sheets if necessary)				Applicant: Veach et al.,			
				Filing Date: January 5, 2004		Group: 1614	
OTHER DOCUMENTS							
Examiner's Initials		Citation (Including Author, Title, Date, Pertinent Pages, Etc.)					
		Allen, et al., "An Activating Mutation in the ATP Binding Site of the ABL Kinase Domain", <i>J. Biol. Chem.</i> 271 : 19585-19591, 1996.					
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Form PTO-1449 (REV. 8-83)		U.S. Department of Commerce Patent and Trademark Office		Atty. Docket: 2003080-0144 (SK-1028-US)	In re Application No. 10/751,703
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	Tyrosine Kinase and Induces Apoptosis of K562 Leukemic Cells”, <i>Cancer Res.</i> 60 : 3127-3131, 2000.				
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		Applicant: Veach et al.,	
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	Sawyers, C., "Chronic Myeloid Leukemia", <i>N. Engl. J. Med.</i> , 340 : 1330-1340, 1999.		

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Sawyers, et al., "Imatinib Induces Hematologic and Cytogenetic Responses in Patients with Chronic Myelogenous Leukemia in Myeloid Blast Crisis: Results of a Phase II Study", *Blood*, **99**: 3530-3539, 2002.

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International Search Report issued for corresponding PCT application PCT/US2004/000116.

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.